

4. On or about September 30, 1997, pursuant to Section 402 of the Act, 33 U.S.C. Sec. 1342, and the Pennsylvania Clean Streams Law, as amended, 35 P.S. Sec. 691.1 et. seq., the Pennsylvania Department of Environmental Protection (PADEP) issued to Respondent National Pollutant Discharge Elimination System NPDES Permit No. PA0024147 (hereinafter "South Permit") for the South Plant, for the discharge of pollutants.

#### Effluent Violations

5. Part I.B., Page 4, of Respondent's Permits contains effluent limitations for the discharge of pollutants from each Plant, as shown on Attachment A.
6. The Respondent has violated the Permit's effluent limitations at Outfall #001 on numerous occasions since the effective date of the permit, as reported by Respondent on Discharge Monitoring Reports, and as exhibited on Attachment B. On December 2, 1997, PADEP issued a Notice of Violation to Respondent for additional effluent violations (of CBOD & Phosphorus) at the North Plant during May-September, 1997.
7. Inspections of the South Plant conducted by PADEP detected the following violations of the South Permit's Fecal Coliform limit of 3,500/100 ml: March 9, 1995 - 12,000/100 ml; September 10, 1998 - 3,600/100 ml; February 2, 1999 - 37,000/100 ml. In addition, Respondent reported, for May, 1999, a monthly average Fecal Coliform discharge of 635/100 ml, in violation of the Permit limit of 200/100 ml. On December 2, 1997, PADEP issued a Notice of Violation to Respondent for discharges of sewage sludge to Willoughby Run.
8. On February 10, 1998, PADEP reported that Respondent had failed all analyses associated with EPA Quality Assurance testing of STP laboratories; PADEP required that Respondent have "all samples for reporting purposes...sent to a reputable contract laboratory that is running these tests under a USEPA, NPDES testing procedure."
9. On March 21, 2000, EPA conducted a diagnostic evaluation of the North and South Plants. A copy of the Inspection Report is included as Attachment C to this Order. This EPA evaluation determined that certain operational problems, including but not limited to the following, exist at both of Respondent's Plants:
  - a. The current process control strategy is inadequate to ensure consistent compliance, and needs to be upgraded.
  - b. A preventative maintenance program must be developed. Written schedules, work orders, equipment history, detailed parts inventory, and record keeping need to be improved.